



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB3381

by Rep. Silvana Tabares

SYNOPSIS AS INTRODUCED:

210 ILCS 9/97 new	
210 ILCS 30/4	from Ch. 111 1/2, par. 4164
210 ILCS 45/3-610	from Ch. 111 1/2, par. 4153-610
210 ILCS 47/3-610	
210 ILCS 48/3-610	
320 ILCS 20/4	from Ch. 23, par. 6604

Amends the Assisted Living and Shared Housing Act, the Abused and Neglected Long Term Care Facility Residents Reporting Act, the Nursing Home Care Act, the ID/DD Community Care Act, the Specialized Mental Health Rehabilitation Act, and the Elder Abuse and Neglect Act. Provides that any administrator, supervisor, or employee of a long term care facility, or any administrator, supervisor, or employee of an assisted living or shared housing establishment, having reasonable cause to believe that any resident of the facility or establishment has been subjected to abuse shall report the abuse or cause a report of the abuse to be made as follows: if the suspected abuse results in serious bodily injury to the resident, a telephone report shall be made to the local law enforcement agency within 2 hours after the administrator, supervisor, or employee observed, obtained knowledge of, or suspected the abuse; in addition, a written report shall be made to the local law enforcement agency, the Department, and the Office of State Long Term Care Ombudsman within 2 hours after the administrator, supervisor, or employee observed, obtained knowledge of, or suspected the abuse. Provides that if the suspected abuse does not result in serious bodily injury to the resident, such reports shall be made within 24 hours. Effective immediately.

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Assisted Living and Shared Housing Act is
5 amended by adding Section 97 as follows:

6 (210 ILCS 9/97 new)

7 Sec. 97. Reports of abuse.

8 (a) Any administrator, supervisor, or employee of an
9 assisted living or shared housing establishment having
10 reasonable cause to believe that any resident of the
11 establishment has been subjected to abuse shall report the
12 abuse or cause a report of the abuse to be made as follows:

13 (1) If the suspected abuse results in serious bodily
14 injury to the resident, a telephone report shall be made to
15 the local law enforcement agency within 2 hours after the
16 administrator, supervisor, or employee observed, obtained
17 knowledge of, or suspected the abuse. In addition, a
18 written report shall be made to the local law enforcement
19 agency, the Department, and the Office of State Long Term
20 Care Ombudsman within 2 hours after the administrator,
21 supervisor, or employee observed, obtained knowledge of,
22 or suspected the abuse.

23 (2) If the suspected abuse does not result in serious

1 bodily injury to the resident, a telephone report shall be
2 made to the local law enforcement agency within 24 hours
3 after the administrator, supervisor, or employee observed,
4 obtained knowledge of, or suspected the abuse. In addition,
5 a written report shall be made to the local law enforcement
6 agency, the Department, and the Office of State Long Term
7 Care Ombudsman within 24 hours after the administrator,
8 supervisor, or employee observed, obtained knowledge of,
9 or suspected the abuse.

10 (b) A person required to make reports or cause reports to
11 be made under this Section who fails to comply with the
12 requirements of this Section is guilty of a Class A
13 misdemeanor.

14 Section 10. The Abused and Neglected Long Term Care
15 Facility Residents Reporting Act is amended by changing Section
16 4 as follows:

17 (210 ILCS 30/4) (from Ch. 111 1/2, par. 4164)

18 Sec. 4. Reports of abuse or neglect.

19 (a) Any long term care facility administrator, agent or
20 employee or any physician, hospital, surgeon, dentist,
21 osteopath, chiropractor, podiatrist, accredited religious
22 practitioner who provides treatment by spiritual means alone
23 through prayer in accordance with the tenets and practices of
24 the accrediting church, coroner, social worker, social

1 services administrator, registered nurse, law enforcement
2 officer, field personnel of the Department of Healthcare and
3 Family Services, field personnel of the Illinois Department of
4 Public Health and County or Municipal Health Departments,
5 personnel of the Department of Human Services (acting as the
6 successor to the Department of Mental Health and Developmental
7 Disabilities or the Department of Public Aid), personnel of the
8 Guardianship and Advocacy Commission, personnel of the State
9 Fire Marshal, local fire department inspectors or other
10 personnel, or personnel of the Illinois Department on Aging, or
11 its subsidiary Agencies on Aging, or employee of a facility
12 licensed under the Assisted Living and Shared Housing Act,
13 having reasonable cause to believe any resident with whom they
14 have direct contact has been subjected to abuse or neglect
15 shall immediately report or cause a report to be made to the
16 Department. Persons required to make reports or cause reports
17 to be made under this Section include all employees of the
18 State of Illinois who are involved in providing services to
19 residents, including professionals providing medical or
20 rehabilitation services and all other persons having direct
21 contact with residents; and further include all employees of
22 community service agencies who provide services to a resident
23 of a public or private long term care facility outside of that
24 facility. Any long term care surveyor of the Illinois
25 Department of Public Health who has reasonable cause to believe
26 in the course of a survey that a resident has been abused or

1 neglected and initiates an investigation while on site at the
2 facility shall be exempt from making a report under this
3 Section but the results of any such investigation shall be
4 forwarded to the central register in a manner and form
5 described by the Department.

6 (b) Any administrator, supervisor, or employee of a long
7 term care facility, or any administrator, supervisor, or
8 employee of an assisted living or shared housing establishment
9 licensed under the Assisted Living and Shared Housing Act,
10 having reasonable cause to believe that any resident of the
11 facility or establishment has been subjected to abuse shall
12 report the abuse or cause a report of the abuse to be made as
13 follows:

14 (1) If the suspected abuse results in serious bodily
15 injury to the resident, a telephone report shall be made to
16 the local law enforcement agency within 2 hours after the
17 administrator, supervisor, or employee observed, obtained
18 knowledge of, or suspected the abuse. In addition, a
19 written report shall be made to the local law enforcement
20 agency, the Department, and the Office of State Long Term
21 Care Ombudsman within 2 hours after the administrator,
22 supervisor, or employee observed, obtained knowledge of,
23 or suspected the abuse.

24 (2) If the suspected abuse does not result in serious
25 bodily injury to the resident, a telephone report shall be
26 made to the local law enforcement agency within 24 hours

1 after the administrator, supervisor, or employee observed,
2 obtained knowledge of, or suspected the abuse. In addition,
3 a written report shall be made to the local law enforcement
4 agency, the Department, and the Office of State Long Term
5 Care Ombudsman within 24 hours after the administrator,
6 supervisor, or employee observed, obtained knowledge of,
7 or suspected the abuse.

8 (c) The requirement of this Act shall not relieve any long
9 term care facility administrator, agent or employee of
10 responsibility to report the abuse or neglect of a resident
11 under Section 3-610 of the Nursing Home Care Act or under
12 Section 3-610 of the ID/DD Community Care Act or under Section
13 3-610 of the Specialized Mental Health Rehabilitation Act.

14 (d) In addition to the above persons required to report
15 suspected resident abuse and neglect, any other person may make
16 a report to the Department, or to any law enforcement officer,
17 if such person has reasonable cause to suspect a resident has
18 been abused or neglected.

19 (e) This Section also applies to residents whose death
20 occurs from suspected abuse or neglect before being found or
21 brought to a hospital.

22 (f) A person required to make reports or cause reports to
23 be made under this Section who fails to comply with the
24 requirements of this Section is guilty of a Class A
25 misdemeanor.

26 (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11; 97-227,

1 eff. 1-1-12; 97-813, eff. 7-13-12.)

2 Section 15. The Nursing Home Care Act is amended by
3 changing Section 3-610 as follows:

4 (210 ILCS 45/3-610) (from Ch. 111 1/2, par. 4153-610)

5 Sec. 3-610. Duty to report violations.

6 (a) A facility employee or agent who becomes aware of abuse
7 or neglect of a resident prohibited by Section 2-107 shall
8 immediately report the matter to the Department and to the
9 facility administrator. A facility administrator who becomes
10 aware of abuse or neglect of a resident prohibited by Section
11 2-107 shall immediately report the matter by telephone and in
12 writing to the resident's representative, and to the
13 Department. Any person may report a violation of Section 2-107
14 to the Department.

15 (a-5) Any administrator, supervisor, or employee of a
16 facility having reasonable cause to believe that any resident
17 of the facility has been subjected to abuse shall report the
18 abuse or cause a report of the abuse to be made as follows:

19 (1) If the suspected abuse results in serious bodily
20 injury to the resident, a telephone report shall be made to
21 the local law enforcement agency within 2 hours after the
22 administrator, supervisor, or employee observed, obtained
23 knowledge of, or suspected the abuse. In addition, a
24 written report shall be made to the local law enforcement

1 agency, the Department, and the Office of State Long Term
2 Care Ombudsman within 2 hours after the administrator,
3 supervisor, or employee observed, obtained knowledge of,
4 or suspected the abuse.

5 (2) If the suspected abuse does not result in serious
6 bodily injury to the resident, a telephone report shall be
7 made to the local law enforcement agency within 24 hours
8 after the administrator, supervisor, or employee observed,
9 obtained knowledge of, or suspected the abuse. In addition,
10 a written report shall be made to the local law enforcement
11 agency, the Department, and the Office of State Long Term
12 Care Ombudsman within 24 hours after the administrator,
13 supervisor, or employee observed, obtained knowledge of,
14 or suspected the abuse.

15 A person required to make reports or cause reports to be
16 made under this subsection who fails to comply with the
17 requirements of this subsection is guilty of a Class A
18 misdemeanor.

19 (b) A facility employee or agent who becomes aware of
20 another facility employee or agent's theft or misappropriation
21 of a resident's property must immediately report the matter to
22 the facility administrator. A facility administrator who
23 becomes aware of a facility employee or agent's theft or
24 misappropriation of a resident's property must immediately
25 report the matter by telephone and in writing to the resident's
26 representative, to the Department, and to the local law

1 enforcement agency. Neither a licensee nor its employees or
2 agents may dismiss or otherwise retaliate against a facility
3 employee or agent who reports the theft or misappropriation of
4 a resident's property under this subsection.

5 (Source: P.A. 94-26, eff. 1-1-06.)

6 Section 20. The ID/DD Community Care Act is amended by
7 changing Section 3-610 as follows:

8 (210 ILCS 47/3-610)

9 Sec. 3-610. Duty to report violations.

10 (a) A facility employee or agent who becomes aware of abuse
11 or neglect of a resident prohibited by Section 2-107 shall
12 immediately report the matter to the Department and to the
13 facility administrator. A facility administrator who becomes
14 aware of abuse or neglect of a resident prohibited by Section
15 2-107 shall immediately report the matter by telephone and in
16 writing to the resident's representative, and to the
17 Department. Any person may report a violation of Section 2-107
18 to the Department.

19 (a-5) Any administrator, supervisor, or employee of a
20 facility having reasonable cause to believe that any resident
21 of the facility has been subjected to abuse shall report the
22 abuse or cause a report of the abuse to be made as follows:

23 (1) If the suspected abuse results in serious bodily
24 injury to the resident, a telephone report shall be made to

1 the local law enforcement agency within 2 hours after the
2 administrator, supervisor, or employee observed, obtained
3 knowledge of, or suspected the abuse. In addition, a
4 written report shall be made to the local law enforcement
5 agency, the Department, and the Office of State Long Term
6 Care Ombudsman within 2 hours after the administrator,
7 supervisor, or employee observed, obtained knowledge of,
8 or suspected the abuse.

9 (2) If the suspected abuse does not result in serious
10 bodily injury to the resident, a telephone report shall be
11 made to the local law enforcement agency within 24 hours
12 after the administrator, supervisor, or employee observed,
13 obtained knowledge of, or suspected the abuse. In addition,
14 a written report shall be made to the local law enforcement
15 agency, the Department, and the Office of State Long Term
16 Care Ombudsman within 24 hours after the administrator,
17 supervisor, or employee observed, obtained knowledge of,
18 or suspected the abuse.

19 A person required to make reports or cause reports to be
20 made under this subsection who fails to comply with the
21 requirements of this subsection is guilty of a Class A
22 misdemeanor.

23 (b) A facility employee or agent who becomes aware of
24 another facility employee or agent's theft or misappropriation
25 of a resident's property must immediately report the matter to
26 the facility administrator. A facility administrator who

1 becomes aware of a facility employee or agent's theft or
2 misappropriation of a resident's property must immediately
3 report the matter by telephone and in writing to the resident's
4 representative, to the Department, and to the local law
5 enforcement agency. Neither a licensee nor its employees or
6 agents may dismiss or otherwise retaliate against a facility
7 employee or agent who reports the theft or misappropriation of
8 a resident's property under this subsection.

9 (Source: P.A. 96-339, eff. 7-1-10.)

10 Section 25. The Specialized Mental Health Rehabilitation
11 Act is amended by changing Section 3-610 as follows:

12 (210 ILCS 48/3-610)

13 Sec. 3-610. Duty to report violations.

14 (a) A facility employee or agent who becomes aware of abuse
15 or neglect of a resident prohibited by Section 2-107 shall
16 immediately report the matter to the Department and to the
17 facility administrator. A facility administrator who becomes
18 aware of abuse or neglect of a resident prohibited by Section
19 2-107 shall immediately report the matter by telephone and in
20 writing to the resident's representative, and to the
21 Department. Any person may report a violation of Section 2-107
22 to the Department.

23 (a-5) Any administrator, supervisor, or employee of a
24 facility having reasonable cause to believe that any resident

1 of the facility has been subjected to abuse shall report the
2 abuse or cause a report of the abuse to be made as follows:

3 (1) If the suspected abuse results in serious bodily
4 injury to the resident, a telephone report shall be made to
5 the local law enforcement agency within 2 hours after the
6 administrator, supervisor, or employee observed, obtained
7 knowledge of, or suspected the abuse. In addition, a
8 written report shall be made to the local law enforcement
9 agency, the Department, and the Office of State Long Term
10 Care Ombudsman within 2 hours after the administrator,
11 supervisor, or employee observed, obtained knowledge of,
12 or suspected the abuse.

13 (2) If the suspected abuse does not result in serious
14 bodily injury to the resident, a telephone report shall be
15 made to the local law enforcement agency within 24 hours
16 after the administrator, supervisor, or employee observed,
17 obtained knowledge of, or suspected the abuse. In addition,
18 a written report shall be made to the local law enforcement
19 agency, the Department, and the Office of State Long Term
20 Care Ombudsman within 24 hours after the administrator,
21 supervisor, or employee observed, obtained knowledge of,
22 or suspected the abuse.

23 A person required to make reports or cause reports to be
24 made under this subsection who fails to comply with the
25 requirements of this subsection is guilty of a Class A
26 misdemeanor.

1 (b) A facility employee or agent who becomes aware of
2 another facility employee or agent's theft or misappropriation
3 of a resident's property must immediately report the matter to
4 the facility administrator. A facility administrator who
5 becomes aware of a facility employee or agent's theft or
6 misappropriation of a resident's property must immediately
7 report the matter by telephone and in writing to the resident's
8 representative, to the Department, and to the local law
9 enforcement agency. Neither a licensee nor its employees or
10 agents may dismiss or otherwise retaliate against a facility
11 employee or agent who reports the theft or misappropriation of
12 a resident's property under this subsection.

13 (Source: P.A. 97-38, eff. 6-28-11.)

14 Section 30. The Elder Abuse and Neglect Act is amended by
15 changing Section 4 as follows:

16 (320 ILCS 20/4) (from Ch. 23, par. 6604)

17 Sec. 4. Reports of abuse or neglect.

18 (a) Any person who suspects the abuse, neglect, financial
19 exploitation, or self-neglect of an eligible adult may report
20 this suspicion to an agency designated to receive such reports
21 under this Act or to the Department.

22 (a-5) If any mandated reporter has reason to believe that
23 an eligible adult, who because of dysfunction is unable to seek
24 assistance for himself or herself, has, within the previous 12

1 months, been subjected to abuse, neglect, or financial
2 exploitation, the mandated reporter shall, within 24 hours
3 after developing such belief, report this suspicion to an
4 agency designated to receive such reports under this Act or to
5 the Department. The agency designated to receive such reports
6 under this Act or the Department may establish a manner in
7 which a mandated reporter can make the required report through
8 an Internet reporting tool. Information sent and received
9 through the Internet reporting tool is subject to the same
10 rules in this Act as other types of confidential reporting
11 established by the designated agency or the Department.
12 Whenever a mandated reporter is required to report under this
13 Act in his or her capacity as a member of the staff of a medical
14 or other public or private institution, facility, board and
15 care home, or agency, he or she shall make a report to an
16 agency designated to receive such reports under this Act or to
17 the Department in accordance with the provisions of this Act
18 and may also notify the person in charge of the institution,
19 facility, board and care home, or agency or his or her
20 designated agent that the report has been made. Under no
21 circumstances shall any person in charge of such institution,
22 facility, board and care home, or agency, or his or her
23 designated agent to whom the notification has been made,
24 exercise any control, restraint, modification, or other change
25 in the report or the forwarding of the report to an agency
26 designated to receive such reports under this Act or to the

1 Department. The privileged quality of communication between
2 any professional person required to report and his or her
3 patient or client shall not apply to situations involving
4 abused, neglected, or financially exploited eligible adults
5 and shall not constitute grounds for failure to report as
6 required by this Act.

7 (a-6) Any administrator, supervisor, or employee of a
8 facility licensed under the Nursing Home Care Act, the ID/DD
9 Community Care Act, or the Specialized Mental Health
10 Rehabilitation Act, or any administrator, supervisor, or
11 employee of an assisted living or shared housing establishment
12 licensed under the Assisted Living and Shared Housing Act,
13 having reasonable cause to believe that any resident of the
14 facility or establishment has been subjected to abuse shall
15 report the abuse or cause a report of the abuse to be made as
16 follows:

17 (1) If the suspected abuse results in serious bodily
18 injury to the resident, a telephone report shall be made to
19 the local law enforcement agency within 2 hours after the
20 administrator, supervisor, or employee observed, obtained
21 knowledge of, or suspected the abuse. In addition, a
22 written report shall be made to the local law enforcement
23 agency, the Department, and the Office of State Long Term
24 Care Ombudsman within 2 hours after the administrator,
25 supervisor, or employee observed, obtained knowledge of,
26 or suspected the abuse.

1 (2) If the suspected abuse does not result in serious
2 bodily injury to the resident, a telephone report shall be
3 made to the local law enforcement agency within 24 hours
4 after the administrator, supervisor, or employee observed,
5 obtained knowledge of, or suspected the abuse. In addition,
6 a written report shall be made to the local law enforcement
7 agency, the Department, and the Office of State Long Term
8 Care Ombudsman within 24 hours after the administrator,
9 supervisor, or employee observed, obtained knowledge of,
10 or suspected the abuse.

11 A person required to make reports or cause reports to be
12 made under this subsection who fails to comply with the
13 requirements of this subsection is guilty of a Class A
14 misdemeanor.

15 (a-7) A person making a report under this Act in the belief
16 that it is in the alleged victim's best interest shall be
17 immune from criminal or civil liability or professional
18 disciplinary action on account of making the report,
19 notwithstanding any requirements concerning the
20 confidentiality of information with respect to such eligible
21 adult which might otherwise be applicable.

22 (a-9) Law enforcement officers shall continue to report
23 incidents of alleged abuse pursuant to the Illinois Domestic
24 Violence Act of 1986, notwithstanding any requirements under
25 this Act.

26 (b) Any person, institution or agency participating in the

1 making of a report, providing information or records related to
2 a report, assessment, or services, or participating in the
3 investigation of a report under this Act in good faith, or
4 taking photographs or x-rays as a result of an authorized
5 assessment, shall have immunity from any civil, criminal or
6 other liability in any civil, criminal or other proceeding
7 brought in consequence of making such report or assessment or
8 on account of submitting or otherwise disclosing such
9 photographs or x-rays to any agency designated to receive
10 reports of alleged or suspected abuse or neglect. Any person,
11 institution or agency authorized by the Department to provide
12 assessment, intervention, or administrative services under
13 this Act shall, in the good faith performance of those
14 services, have immunity from any civil, criminal or other
15 liability in any civil, criminal, or other proceeding brought
16 as a consequence of the performance of those services. For the
17 purposes of any civil, criminal, or other proceeding, the good
18 faith of any person required to report, permitted to report, or
19 participating in an investigation of a report of alleged or
20 suspected abuse, neglect, financial exploitation, or
21 self-neglect shall be presumed.

22 (c) The identity of a person making a report of alleged or
23 suspected abuse, neglect, financial exploitation, or
24 self-neglect under this Act may be disclosed by the Department
25 or other agency provided for in this Act only with such
26 person's written consent or by court order.

1 (d) The Department shall by rule establish a system for
2 filing and compiling reports made under this Act.

3 (e) Any physician who willfully fails to report as required
4 by this Act shall be referred to the Illinois State Medical
5 Disciplinary Board for action in accordance with subdivision
6 (A) (22) of Section 22 of the Medical Practice Act of 1987. Any
7 dentist or dental hygienist who willfully fails to report as
8 required by this Act shall be referred to the Department of
9 Professional Regulation for action in accordance with
10 paragraph 19 of Section 23 of the Illinois Dental Practice Act.
11 Any optometrist who willfully fails to report as required by
12 this Act shall be referred to the Department of Financial and
13 Professional Regulation for action in accordance with
14 paragraph (15) of subsection (a) of Section 24 of the Illinois
15 Optometric Practice Act of 1987. Any other mandated reporter
16 required by this Act to report suspected abuse, neglect, or
17 financial exploitation who willfully fails to report the same
18 is guilty of a Class A misdemeanor.

19 (Source: P.A. 96-378, eff. 1-1-10; 96-526, eff. 1-1-10;
20 96-1000, eff. 7-2-10; 97-860, eff. 7-30-12.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.